HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

Writ Petition No.9290 of 2000

Between:

G.Yesupadam

…Petitioners

AND

The Chairman and Managing Director,
AP Transco Ltd., Vidyut Soudha,
Hyderbad and others.

…Respondents

ORDER

Counsel for the petitioner : Shri M.Srikanth

Counsel for respondents : Smt. E.Urmila

17-10-2006

This is a petition for quashing memo dated 19-01-2000 issued by Divisional Engineer (Electrical), Andhra Pradesh Southern Power Distribution Company Limited, Tirupati, Chittoor district (respondent No.4) retiring the petitioner from service with effect from 30-06-2000 on his attaining the age of superannuation of 58 years.

The petitioner joined service in the operation and maintenance section of the erstwhile Andhra Pradesh State Electricity Board. Later on, his services were transferred to Andhra Pradesh Power Generation Corporation Limited (for short 'the Corporation'). By the impugned memo, respondent No.4 declared that he will be retiring with effect from 30-06-2000 on attaining the age of 58 years.

The petitioner has questioned the impugned memo mainly on the ground that respondent No.4 does not have the power, jurisdiction or authority to retire him before the age of 60 years. He has relied on the provisions of Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984
(for short, 'the 1984 Act') and Andhra Pradesh Revised Pension
Rules, 1980 and pleaded that he is entitled to continue in service upto the age of 60 years.

Shri M.Srikanth, learned counsel for the petitioner emphasized that his client falls within the definition of the term 'workman' under Section 2 (s) of the Industrial Disputes Act, 1947 (for short, 'the 1947 Act') and argued that he is entitled to continue in service up to the age of 60 years because similarly situated persons employed in the services of the Government of Andhra Pradesh are retired at that age.

Learned counsel further argued that in view of the provisions contained in the 1984 Act, the petitioner could not have been retired at the age of 58 years. In support of his arguments, Shri M.Srikanth relied on some of the circulars and orders issued by the Board from time to time.

Although the respondents have not filed counter-affidavit to controvert the averments contained in the affidavit of the petitioner, Smt. E.Urmila submitted that the writ petition should be dismissed because an identical claim made by other similarly situated employees has already been considered and rejected by this Court in Writ Petition No.19036 of 1997 and batch – **B.Thomas v. The Divisional Electrical Engineer, APSEB,**
Operation – Town, PWD Grounds, Vijayawada and others decided on 11-10-2006.

I have considered the respective arguments and perused order dated 11-10-2006 passed in Writ Petition No.19036 of 1997 and batch. In those cases, the Court considered the question whether the workmen/employees of the Board are entitled to continue in service of the Board up to the age of 60 years and answered the same in negative. Therefore, this writ petition is liable to be dismissed. Ordered accordingly. The detailed reasons recorded in order dated 11-10-2006 passed in
Writ Petition No.19036 of 1997 and batch shall be read as part of this order.

As a sequel to dismissal of the writ petition,
W.P.M.P.No.11899 of 2000 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

17-10-2006

bsc